

MINUTES

CASE NUMBER: 1:23-MJ-01276 RT
1:23-MJ-01277 RT

CASE NAME: United States of America v. Devon Christopher Wenger

ATTYS FOR PLA: Michael Albanese, AUSA*

ATTYS FOR DEFT: Max Mizono, FPD*

U.S. PROB Officer: Grace Canella

JUDGE:	Wes Reber Porter	REPORTER:	FTR - CR 7
DATE:	8/21/2023	TIME:	1:34 pm - 1:39 pm

COURT ACTION: EP: RULE 5 INITIAL APPEARANCE as to Defendant Devon Christopher Wenger held.

AUSA Michael Albanese appeared on behalf of the United States.

Mr. Max Mizono appeared on behalf of Defendant.

Defendant present and in custody.

Defendant sworn to Financial Affidavit. The Court appointed Mr. Mizono and the Office of the Federal Public Defender as counsel for the Defendant.

The Court held a Rule 5 Initial Appearance.

Defendant waives an identity and probable cause hearing. A Waiver of Rule 5 & 5.1 Hearings signed and filed.

Government did not file a Motion to Detain.

Discussion held regarding detention.

The Court took judicial notice of the U.S. Pretrial Services' Report, other documents on file and found the conditions recommended by Pretrial Services sufficient to reasonably assure the appearance of the defendant as required and the safety of the community.

Court adopted the recommendations of Pretrial Services and ordered the Defendant released on an **unsecured bond** in the amount of **\$50,000.00** with the following conditions:

(7b) Comply with pretrial services supervision, and abide by all conditions of release as directed by Pretrial Services. You are required to inform Pretrial Services within 24 hours of any contact with law enforcement, including but not limited to, any arrest, questioning (excludes instant offense), or traffic stop.

(7g1) Surrender any passport and all travel documents to the U.S. Pretrial Services Office. Do not apply for/obtain a passport. If not convicted, the passport will be returned to the defendant unless needed for evidentiary purposes. If convicted, Pretrial Services will transfer the passport to the U.S. Probation Office upon disposition of this case unless otherwise directed by the Court. Surrender no later than: **August 25, 2023.**

(7h3) Travel is restricted to: the island of **Oahu and Northern District of California for Court purposes only.**

(7i) Do not change residence without the advance approval of Pretrial Services.

(7m1) Contact is prohibited directly, indirectly, or through third parties with: co-defendants, co-conspirators, or witnesses in this and any related case. The U.S. Attorney's Office will provide Pretrial Services with initial and updated lists of names of persons with whom contact is prohibited.

(7n) Undergo a psychiatric/mental health evaluation and participate in any recommended counseling as approved by Pretrial Services. Take all medications as prescribed.

(7y) You must contribute toward the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.

(7s1) You are prohibited from owning, possessing, or controlling any firearm or ammunition. Immediately surrender all firearms and ammunition to an agent approved by Pretrial Services. **You must surrender all firearms and provide verification to Pretrial Services within 24 hours of release.**

Other Conditions: **You are required to appear in the Northern District of California for Court hearings as directed.**

In addition to the Special Conditions of Release as specified above, you are subject to the following conditions:

You shall not commit any offense in violation of federal, state, or local law while on release in this case.

You shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

You must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

The conditions of release, the court's advisory that the defendant could be brought back before the court for any violations and that defendant could be detained pending trial thereafter were affirmed by the Court with defendant along with the consequences of violating these conditions.

The Court also informed the defendant that the Pretrial Service officer will have, and can go over these conditions as well.

These minutes will stand as the conditions of bond. IT IS SO ORDERED.

Order Requiring A Defendant to Appear in the District Where Charges Are Pending and Transferring Bail - signed and filed.

EO: The Court reminds the government of its obligations under Rule 5(f) and as set out in this Court's General Order dated February 1, 2021:

The Court orders the prosecution to comply with its disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Failing to do so in a timely manner may result in consequences, including, but not limited to: exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, court sanctions, and/or referral to disciplinary counsel.

Abstract of Release filed. Defendant ordered released forthwith and placed on pretrial release.

Submitted by: Jocelyn Orosz, Courtroom Manager